

January 29, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

BY: Breanna Coldewey
DEPUTY

JAN 28 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY NM DEPUTY

UNITED STATES DISTRICT COURT

for the

District of

Division

SA21 CA 0070

Case No.

(to be filled in by the Clerk's Office)

DAE

Elizabeth Minerva Gonzales

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CITY OF CASTLE HILLS

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Elizabeth Minerva Gonzales
Street Address	800 Gentleman Rd. #229
City and County	Balcones Heights,
State and Zip Code	Texas 78201
Telephone Number	(214) 290-3578
E-mail Address	dfwbeth@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name CITY OF CASTLE HILLS
 Job or Title *(if known)* Mayor JR Trevino
 Street Address 209 Lemonwood Dr.
 City and County Castle Hills, Bexar County
 State and Zip Code Texas 78213
 Telephone Number (210) 559-5940
 E-mail Address *(if known)* jtrevino@castlehills-tx.gov

Defendant No. 2

Name Ryan D. Rapelye
 Job or Title *(if known)* City Manager
 Street Address 209 Lemonwood Dr.
 City and County Castle Hills, Bexar County
 State and Zip Code Texas 78213
 Telephone Number (210) 342-2341 x216
 E-mail Address *(if known)* rrapelye@castlehills-tx.gov

Defendant No. 3

Name _____
 Job or Title *(if known)* _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address *(if known)* _____

Defendant No. 4

Name _____
 Job or Title *(if known)* _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address *(if known)* _____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	CITY OF CASTLE HILLS
Street Address	209 Lemonwood Dr.
City and County	Castle Hills
State and Zip Code	Texas, 78213
Telephone Number	(210) 293-9681

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s) November 29, 2018
March 6, 2018, June 5, 2018, June 6, 2018, June 7, 2018,
November 1, 2018, and November 29, 2018.

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☒ national origin Hispanic
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

July 27, 2018, November 1, 2018, and November 29, 2018.

- B. The Equal Employment Opportunity Commission (check one):

☐
☒

has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on (date) October 31, 2020
(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐
☐

60 days or more have elapsed.

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- Back pay from date of termination to present, basis for this amount is due to wrongful termination.
 - Loss of income relevant to living wages and costs for family.
 - Punitive damages for mental stress, health, and inability to find employment in my profession.
- (Continued next page)

V. Continued

- exemplary damages, together with interest as allowed by law; costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 27, 2021

Signature of Plaintiff

Printed Name of Plaintiff

Elizabeth Minerva Gonzales

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

please see attached statement
and exhibits.

STATEMENT

Elizabeth Minerva Gonzales

Plaintiff

VS.

City of Castle Hills

Defendant

Disparaging Treatment/Hostile Environment

1. On June 7, 2018, Deborah Kitkowski (Anglo), Permit Clerk for the City of Castle Hills sprayed Elizabeth Minerva Gonzales, City Secretary for the City of Castle Hills with a fragrant air freshener while I, (Plaintiff) was using the copier.

Action by City Manager Rapelye requested that Ms. Kitkowski put away air freshener.

2. On June 6, 2018, Deborah Kitkowski, Permit Clerk for the City of Castle Hills while assisting a customer at the window, Ms. Kitkowski stated that I (Plaintiff) smelled and it made her want to vomit.
3. On June 5, 2018, Janet Thelen, Administrative Assistant for the City of Castle Hills displayed her aggression towards me (Plaintiff) in the presence of Mr. Ryan Rapelye, City Manager and Mrs. Thelen stated “hated me (Plaintiff)” from the first week she met me.

Action by City Manager Rapelye ordered Ms. Thelen to apologize verbally.

4. On November 29, 2017, Nora Davis, Interim Finance Director/HR, purposely elbowed me (Plaintiff) and incident was taped by camera located in the City of Castle Hills lobby.
5. I, (Plaintiff) filed two police reports for physical assaults against Nora Davis and Deborah Kitkowski.
6. Both of the physical assaults and racial slurs are major violations, the above named were never disciplined.
7. Finally, the missing files that City Manager Rapelye alleged I was responsible for taking were later found by another city employee in the City Managers office. This shows City Manager Rapelye falsely/lie to accuse me (Plaintiff) for the missing files which were later used for my termination.
8. This also shows Police Chief Johnny Simens opinion is false when he stated that my (Plaintiff) answers to a polygraph regarding the missing files were deceptive.
9. That is worst part of all my pain and suffering are the false allegations, my loss of income, ability to support my child as a single parent, and the inability to work within same profession.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Minerva Gonzales**
800 Gentleman Drive, Apt 229
Balcones Heights, TX 78201

From: **San Antonio Field Office**
5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

451-2019-00626

George Hamilton,
Investigator

(210) 640-7544**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Travis G. Hicks,
Director

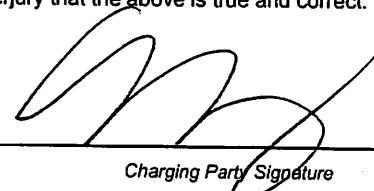
10/29/2020
 (Date Mailed)

Enclosures(s)

cc: **LULAC**
c/o Sam Alvarado
Civil Rights Director
311 South Saint Mary's Street #12j
San Antonio, TX 78205

Law Offices of Charles S. Frigerio
c/o Charles Frigerio
111 Soledad, Suite 840
San Antonio, TX 78205

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): 451-2019-00626 <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Texas Workforce Commission Civil Rights Division and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) Ms. Minerva Gonzales		Home Phone (Incl. Area Code) (214) 290-3578	Date of Birth _____
Street Address 800 Gentleman Drive, Apt 229,		City, State and ZIP Code Balcones Heights, TX 78201	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CITY OF CASTLE HILLS		No. Employees, Members 15 - 100	Phone No. (Include Area Code) (210) 293-9681
Street Address 209 Lemonwood Drive,		City, State and ZIP Code Castle Hills, TX 78213	
Name _____		No. Employees, Members _____	Phone No. (Include Area Code) _____
Street Address _____		City, State and ZIP Code _____	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 11-01-2018 11-29-2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). <p>On November 29, 2018, I was discharged from my job of City Secretary. I had been employed since June 14, 2017 and earning \$55,000.00 per year.</p> <p>On November 1, 2018, I was placed on Administrative Leave with pay pending an investigation regarding my internal complaints of discrimination and EEOC charges.</p> <p>On November 29, 2018, Ryan Rapelye, City Manager, by letter informed me that I was discharged for my lack of professionalism and insubordination. I deny that I have ever been insubordinate and or unprofessional.</p> <p>I believe that I have been discriminated against because of my national origin, Hispanic (Mexican), and in retaliation for having made protected complaints and having filed previous EEOC charges against Respondent, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____	
Nov 29, 2018 Date		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
 Charging Party Signature			

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**451-2019-00626****Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

Deborah Kitkowski
Three White-American females (Janet Thelen, Nora Davis and Kit LNU) who were verbally and physically harassing me were not placed on administrative leave and or discharged like I was.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Nov 29, 2018*Date**Charging Party Signature*

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)